

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed November 16, 2005. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Entry of these amendments and reconsideration to that end is respectfully requested.

The Examiner has objected to claims 6 and 20 in accordance with certain alleged typographical informalities. In response thereto, claims 6 and 20 have been amended in the manner suggested by the Examiner.

The Examiner has objected to the specification as containing a "hyperlink". In response thereto, page 2 of the specification has been amended above.

The Examiner has objected to Fig. 7 as being inconsistent with the specification. In response thereto, the specification has been amended above.

Claims 1-20 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. This ground of rejection is respectfully traversed for the following reasons.

Much of the Examiner's position seems associated with the terms "view" and "buffer". At page 4 of the pending official action, the Examiner states:

Absent a specific definition of the terms "view" and "buffer", the Examiner submits that the terms must be given their plain meaning that one of ordinary skill in the art would have given the terms in accordance with MPEP 2111.01, therefore, the term "view buffer" is interpreted by the Examiner as an element that contains information regarding the display of information to a user.

This definition is, of course, unsupported by the Examiner. It is significant that he has provided no authority for his definition.

Applicants respectfully submit that one of ordinary skill in the art would be familiar with "view" and "buffer" as terms of art within the data processing profession. However, if a precise definition were desired, one of ordinary skill in the art would consult a convenient dictionary of terms commonly used in the data processing industry such as Webopedia, on-line dictionary, which provides as its preferred definition of "buffer":

What is buffer? - A Word Definition From the Webopedia Computer Dictionary

(n.) A temporary storage area, usually in RAM. The purpose of most buffers is to act as a holding area, enabling the CPU to manipulate data before transferring it to a device.

Again, one of ordinary skill in the art could similarly consult Webopedia for a precise definition of "view":

What is view? - A Word Definition From the Webopedia Computer Dictionary "view" Last modified: Sunday, September 01, 1996

In database management systems, a view is a particular way of looking at a database. A single database can support numerous different views. Typically, a view

arranges the records in some order and makes only certain fields visible. Note that different views do not affect the physical organization of the database.

Thus, it is respectfully asserted that even if a particular data processing professional required a precise definition of "view" and "buffer", he would readily find such a definition without resort to the sort of speculation utilized by the Examiner to reach such an unsupported definition as "an element that contains information regarding the display of information to a user".

Having had difficulty with the terms of art, "view" and "buffer", the Examiner confusingly states:

The specification does not describe any specific method, system, and/or apparatus that enables the conversion of a service request between formats without the use of a new (sic) buffer to reasonably convey to one skilled in the relevant art the inventors had possession of the claimed invention.

To the extent understood, this statement is clearly erroneous and presents a test which is inconsistent with controlling law. Nevertheless, the Examiner may wish to read Applicants' Summary of the Invention which begins:

The present invention overcomes many of the disadvantages associated with the prior art by providing a method and apparatus for passing service requests and data from web based work stations directly to OLTP enterprise server systems with or without the use of view buffers.

The remaining four pages of Applicants' Summary of the Invention provides a detailed summary of the disclosed method and apparatus. This summary concludes on page 11:

Therefore, in accordance with the present invention Ggate, Xgate, and their adapters (out-of-process DCOM, in-process DCOM, CORBA, and Java RMI) support pass through requests'. Pass through requests use non-view based data. Thus, users may pass data via TxI without creating the views first.

Figs. 1-8 and supporting material from the Detailed Description of the Preferred Embodiments describe the overall system architecture and the major elements of the preferred mode. Fig. 9 shows how these major elements are incorporated into the overall system architecture to provide, as described at the beginning of page 34:

FIG. 9 is a block diagram showing the operation of the components of the present invention within the larger environment without view buffers.

Thus, Applicants' entire disclosure, culminating in Fig. 9 and associated description, is directed to showing how and why to perform the claimed functions without use of a "view buffer". The rejection of claims 1-20 under 35 U.S.C. 112, first paragraph, is respectfully traversed.

Claims 1, 6, 11, and 16 have been rejected in view of Applicants' admitted prior art. Because the Examiner has provided no statutory or judicial authority for this rejection, it is deemed inappropriate as a matter of law. The rejection of claims 1, 6, 11, and 16 under no statutory or judicial authority for rejection is respectfully traversed as inconsistent with controlling law.

Claims 1-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,754,772, issued to Leaf

(hereinafter referred to as "Leaf"). This ground of rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as specified by MPEP 2143.

To make a *prima facie* case of obviousness, MPEP 2143 requires the Examiner to provide evidence and argument showing: 1) motivation to make the alleged combination; 2) reasonable likelihood of success of the alleged combination; and 3) all claimed elements within the alleged combination. The Examiner has failed to make any of these three required showings. Therefore, because the Examiner has not made a *prima facie* case of obviousness, Applicants need not and indeed cannot offer appropriate evidence and argument in rebuttal.

In rejecting claim 1, the Examiner admits that Leaf does not show all claimed elements. He states:

Leaf does not disclose where the generic gateway converts a service request to a format suitable for response by an enterprise server without the use of a view buffer.

He then concludes:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to omit the view buffer and its function if the function of the view buffer is not desired. See MPEP 2144.04 (II) (A).

However, if one were to eliminate the "view buffer" from the system of Leaf, as suggested by the Examiner, the system would not perform the conversion. The system of Leaf requires a "view buffer" to perform the function. Therefore, within the system disclosed by Leaf, the "view buffer" is not only "desired" but necessary.

The difference between the claimed invention and Leaf is that the claimed invention has a new and unique "middleware" configuration providing a different combination of the claimed "adapter" and the claimed "generic gateway". This unique "middleware" configuration permits the system to perform the conversion without the necessity of a "view buffer" as is required by the system of Leaf. The advantages of this approach is summarized by Applicants at page 9, line 13, through page 10, line 16. As explained therein, these advantages include easier development of services and more efficient run time operation.

Thus, the difference between Leaf and the claimed invention is not whether a "view buffer" is present, but whether the middleware can operate without requiring a "view buffer". In fact, to permit ease in "backward" compatibility, the middleware of Applicants' invention can accommodate conversions wherein a view buffer is present as clearly disclosed.

The middleware of Leaf and Applicants' claimed invention are different and are distinguished in the claim by the ability to perform the desired conversion without the "view buffer" required in Leaf. It is the difference in the middleware (i.e., combination of claimed "adapter" and claimed "generic gateway") which is deemed patentable over Leaf, not whether or not the claimed combination contains a "view buffer".

Therefore, MPEP 2144.04(II)(A) does not pertain because it requires that the only difference between the prior art and the claimed invention is a single element which is eliminated. The example given in MPEP 2144.04(II)(A) is a corrosion inhibiting composition wherein the only difference between the prior art and the claimed invention is the omission of polybasic acid salts. This is readily distinguishable from Applicants' invention which is distinguishable from Leaf because it has different middleware. This difference is clearly established in the record, because the middleware of Leaf requires a view buffer and the middleware of Applicants' invention does not.

Perhaps the original problem arose wherein the Examiner considered Applicants' claim to contain a classical "negative limitation" as described in MPEP 2173.06(I). A negative limitation precludes an element from a claimed combination. Clearly, the claim language "without a view buffer" is not a true negative limitation but is a description of the claimed middleware elements of the "adapter" and "generic gateway". Any fair reading of claim 1 shows that "without a view buffer" limits the nature of these middleware elements, but does not preclude the presence of a view buffer. It just says that a view buffer may be present but is not necessary to perform the claimed conversion.

The rejection of claim 1, and all claims depending therefrom, is respectfully traversed, because Leaf does not contain the "adapter/generic gateway" combination claimed by Applicants.

Claim 2 depends from claim 1 and is further limited by a second generic gateway which performs a conversion through the use of a view buffer. Again, the Examiner admits that the prior art of record does not contain this element as required by MPEP 2143. Instead, the Examiner concludes:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the generic gateway since (sic) the mere duplication of the generic gateway would have involved only routine skill in the art.

This statement is clearly erroneous. Duplication of Applicants' claimed generic gateway would provide the claimed functionality. However, duplication of the gateway of Leaf would not, because no matter how many gateways of Leaf are utilized, no conversions can be performed without corresponding view buffers. The rejection of claim 2 is respectfully traversed.

Claim 3 depends from claim 2 and further limits the network which couples the claimed components including the unique middleware. Because Leaf does not have the claimed components, it cannot have these further limitations to the coupling network. The rejection of claim 3 is respectfully traversed.

Claim 4 depends from claim 3 and further limits the location of the claimed first gateway. As explained above, Leaf does not

have the claimed first gateway. Therefore, it cannot have the further limitations of claim 4. The rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and further limits the software architecture of the claimed user terminal. Leaf does not have the limitations of claim 4 from which claim 5 depends. Therefore, Leaf cannot meet the limitations of claim 5. The rejection of claim 5 is respectfully traversed.

Claim 6 is an independent apparatus claim. The Examiner again admits that Leaf does not have the claimed "adapter/first generic gateway" combination of claim elements d and e. Therefore, the rejection based upon Leaf does not meet the requirements of MPEP 2143. As explained above in detail, the argument under MPEP 2144.04(II)(A) is not relevant, because it requires the claimed invention to differ from the prior art by a single omitted element. That is not the case with regard to this rejection wherein the Examiner admits that Leaf does not have the same middleware as is claimed by Applicants. The rejection of claim 6 and all claims depending therefrom, is respectfully traversed.

Claim 7 depends from claim 6 and is further limited by a second generic gateway. Again, the Examiner admits that Leaf does not have this claimed element. The rejection of claim 7 is respectfully traversed.

Claim 8 depends from claim 7 and further limits the network which couples the claimed components including the unique middleware. Because Leaf does not have the claimed components, it cannot have these further limitations to the coupling network. The rejection of claim 8 is respectfully traversed.

Claim 9 depends from claim 8 and further limits the nature of the claimed middleware. As explained above, Leaf does not have the claimed middleware. Therefore, it cannot have the further limitations of claim 9. The rejection of claim 9 is respectfully traversed.

Claim 10 depends from claim 9 and further limits the software architecture of the claimed user terminal. Leaf does not have the limitations of claim 9 from which claim 10 depends. Therefore, Leaf cannot meet the limitations of claim 10. The rejection of claim 10 is respectfully traversed.

Claim 11 is an independent method claim having four basic steps. The Examiner admits that Leaf does not have the fourth step. Therefore, Leaf cannot meet the requirements of MPEP 2143. Because the claimed invention includes a step admittedly not found in Leaf, the citation of MPEP 2144.04(II)(A) is particularly irrelevant. The rejection of claim 11, and all claims depending therefrom, is respectfully traversed.

Claim 12 depends from claim 11 and is further limited by an additional step. Leaf admittedly does not have the limitations of

claim 11 from which claim 12 depends. Therefore, Leaf cannot meet the limitations of claim 12. The rejection of claim 12 is respectfully traversed.

Claim 13 depends from claim 12 and further limits the network which couples the claimed components including the unique middleware. Because Leaf does not have the claimed components, it cannot have these further limitations to the coupling network. The rejection of claim 13 is respectfully traversed.

Claim 14 depends from claim 13 and further limits the first format. Because Leaf admittedly does not have the claimed method steps, it cannot have these further limitations to the first format. The rejection of claim 14 is respectfully traversed.

Claim 16 is an independent apparatus claim having five basic means-plus-function elements. The Examiner admits that Leaf does not have the fourth element, the "converting means". Therefore, Leaf cannot meet the requirements of MPEP 2143. Because the claimed invention includes an element admittedly not found in Leaf, the citation of MPEP 2144.04(II)(A) is particularly irrelevant. The rejection of claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 17 depends from claim 16 and is further limited by a transferring means. Leaf admittedly does not have the limitations of claim 16 from which claim 17 depends. Therefore, Leaf cannot

meet the limitations of claim 17. The rejection of claim 17 is respectfully traversed.

Claim 18 depends from claim 17 and further limits the first format. Because Leaf admittedly does not have the claimed apparatus, it cannot have these further limitations to the first format. The rejection of claim 18 is respectfully traversed.

Claim 19 depends from claim 18 and further limits the network which couples the claimed components. Because Leaf does not have the claimed components, it cannot have these further limitations to the coupling network. The rejection of claim 19 is respectfully traversed.

Claim 20 depends from claim 19 and further limits the software architecture of the claimed generating means. Leaf does not have the limitations of claim 19 from which claim 20 depends. Therefore, Leaf cannot meet the limitations of claim 20. The rejection of claim 20 is respectfully traversed.

Claim 15 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Leaf in view of U.S. Patent No. 6,725,426, issued to Pavlov (hereinafter referred to as "Pavlov"). This ground of rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as specified by MPEP 2143.

In attempting to show motivation for the combination of Pavlov with Leaf, the Examiner concludes that because XML format exists,

it is obvious to combine Pavlov with Leaf for the purposes of finding claim 15 unpatentable. This is precisely the unsupported conclusion attacked by the Court of Appeals for the Federal Circuit stating in part:

Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence".  
*In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q. 2d 1614 (Fed. Cir. 1999).

Therefore, the alleged combination of Pavlov with Leaf is not motivated as a matter of law.

The Examiner does not even mention his obligation to show "reasonable likelihood of success". As a practical matter, Leaf would not operate with XML messages absent the structure found in Applicants' disclosed invention.

Finally, the alleged combination does not have the claimed elements even if it were motivated and likely to succeed. Claim 15 requires "Composing a service request in a XML". The cited portions of Leaf do not compose a service request at all, and Pavlov is dedicated to a "Mechanism for Translating between Word Processing Documents and XML Documents". Nowhere is there even a suggestion to compose a "service request" in XML. At most, Pavlov shows transfer of an XML document which is not the claimed service request.

The rejection of claim 15 is respectfully traversed for failure of the Examiner to make any of the three showings of a *prima facie* case of obviousness as required by MPEP 2143.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, as amended, being the only pending claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

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By their attorney,



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